

August 9, 2005

ROBERT C. HARRIS  
140 NE RAINIER PLACE NORTH  
BELFAIR WA 98528

Subject: Complaint filed against Wesley "Wes" Johnson – PDC Case #05-126

Dear Mr. Harris:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received December 2, 2004 alleging that Wes Johnson used public facilities to support his campaign for re-election to the Mason County Commission, an alleged violation of RCW 42.17.130.

PDC staff reviewed your complaint in light of the following statute:

**RCW 42.17.130** prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition.

You stated that residents of Mason County submitted a petition to the Mason County Commission expressing support for highway construction that would bypass the community of Belfair, rather than the planned improvements to Highway 3, which currently runs through Belfair. You alleged that Mason County Commissioner Wes Johnson authorized and signed a mailing to the signers of the petition addressing area transportation issues. You alleged that because Mr. Johnson had discussed these same issues in political advertising for his campaign, the mailing at County expense was a prohibited use of public resources that supported his 2004 re-election campaign.

We found that:

- A petition signed by 193 citizens was delivered to the Mason County Commission supporting construction of a Belfair Bypass rather than a project to improve Highway 3 that runs through Belfair.

- Wes Johnson, a Mason County Commissioner up for re-election in 2004, responded to the petition by sending a letter dated August 25, 2004, on Mason County Commission letterhead, to the signers of the petition.
- Mr. Johnson's letter stated that he supported the concept of highway construction to bypass the community of Belfair, but explained why such a project was not being undertaken at that time. Mr. Johnson told the petition signers that the bypass construction was not being undertaken because of a lack of funding resources in the county.
- Mr. Johnson signed the letter on behalf of the Mason County Commissioners because most of the petitioners were residents of District 2, which he represented. The letter was sent in response to the petition, and did not mention Mr. Johnson's candidacy or the 2004 election.

It is appropriate for the Commission to respond to citizen inquiries. Mr. Johnson was responding on behalf of the Commission, and did not respond in a manner that mentioned or promoted his campaign. Thus, the action by Mr. Johnson was not prohibited.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Wes Johnson.

If you have questions, please feel free to contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Wes Johnson